

# LAW ENFORCEMENT NEWS

**Oyez, Oyez, Oyez!** The Supreme Court is back in session once again. For a sampling of what the Justices have in store for criminal justice, see Supreme Court Briefs, Page 5.

## Elsewhere in this issue:

|                      |   |                     |    |
|----------------------|---|---------------------|----|
| NewsBriefs           | 2 | Burden's Beat       | 13 |
| People & Places      | 4 | Upcoming Events     | 15 |
| Supreme Court Briefs | 5 | New Police Products | 15 |

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*It'll play in Peoria...*

## New crime analysis system passes first test

By EDWARD DIAMOND

While the Federal Bureau of Investigation continues to issue its yearly Uniform Crime Reports concerning the eight major crime categories as reported by police agencies from around the country, an alternative system of crime classification is being used in several cities, sponsored by the Police Executive Research Forum (PERF) and funded through Federal grants.

The alternative method, called the "Crime Classification System," is the product of a number of years of study by research groups and academicians. A three-month report based on information from one city in which the system is being tested, Peoria, Illinois, has just been published, and has both PERF researchers and police officials in Peoria speaking of it in glowing terms.

"Our first look at it is that it's going to rather revolutionize the way we (as police officials) and people look at crime statistics," Peoria Police Chief Allen Andrews said in a telephone interview with Law Enforcement News.

### Helping both police and public

Gary Hayes, PERF's executive director, told Law Enforcement News that the major finding of the study is that "the way you report crime to the public can give totally different impressions."

Both Hayes and Andrews praised CCS for giving police executives and members of the public better and more diverse information from which they can draw their own conclusions. For the public, it may be a matter of determining how serious the crime picture in their city is. For the police executive, it may mean a change in deployment of personnel and concentration of resources.

The Peoria CCS system was funded initially with a \$531,000 grant from the Bureau of Justice Statistics (BJS) that ran through July 1981. Phase II of the program has just been funded with an additional \$400,000 from BJS, Hayes said, and will run for 14 months starting August 1981.

Both Hayes and Andrews also cited as a significant feature of the CCS approach the use of "seriousness scoring," a concept of ranking crimes developed by Drs. Thorsten Sellin and Marvin Wolfgang at the University of Pennsylvania.

"It's been something that's been advocated for so long over the years by so many people that we thought we'd take a look at it," Chief Andrews said.

### 'It's time for better information'

Hayes said Peoria was the first city in which the police had used the seriousness index for management reasons or resource allocation purposes.

"We think that not only have the police progressed and evolved, but we think the public has progressed and become more

sophisticated in its understanding of crime, and we think it's time we give them better information about what is happening with crime," Hayes said.

The seriousness scores rate each aspect of a particular crime and assign it a numerical value, ranging from a victim killed in a particular incident receiving a score of 26 to minor injuries receiving a value of one.

The scores are based on the fact that, as both professors found in their research and as the CCS report indicates, "although various dissimilar populations did show some differences in absolute values of seriousness weights assigned to the same offense, the ratio of seriousness of one offense compared to other offenses across population groups was relatively constant."

Hayes said that the CCS system in Peoria showed, for example, that "they don't have very many serious crimes happening in Peoria. Most crimes that happen to the public (there) are really not that serious."

Both Hayes and Andrews stressed, however, that what is important in the

new classification system is not only that it shows the rates of different crimes, but that it details specifically in what areas crimes are committed, thus enabling the public to get a better overall picture of what crimes to be concerned about.

### Victim-oriented statistics

"We're not trying to alleviate or minimize people's fears," Hayes said, "because in some situations, you can have a situation which looks pretty good, but in fact, the types of crimes can be really dangerous."

The CCS bases its reporting system on victim-oriented statistics. Incidents are grouped first as to whether injuries were sustained by the victim, or were even threatened; whether the victim reported any property damaged, stolen or destroyed, and third, those incidents where both injury and loss are sustained.

Finally, the CCS reports two other categories: "regulatory events," where the harm is not to individuals, but to society as a whole or to the government, such as perjury, treason and runaways; and "incomplete events," where a crime is reported but there is no victim or loss.

Specifically, for Peoria, the CCS statistics show a range of information concerning crimes committed in that city, indexed by a number of methods:

¶ In terms of characterizing the incident by effect on the victim (injury and loss, injury only, loss only, regulatory and incomplete), by far the greatest number of incidents reported to the police fell in the category of loss only (2,487).

With regard to the place of occurrence, most injuries reported occurred in a residence (306), with the second largest number, 181, occurring somewhere outside (property surrounding residence, property around a school, a public park or playground, street, highway or alley or a public transit vehicle). Incidents involving loss only were reported mostly outside (748), followed by residences (732), and commercial places (660).

¶ By far, the most common time for incidents was somewhere between 2 P.M. and 2 A.M. (2,215). Slightly more incidents occurred between 2 P.M. and 8 P.M. (1,155) than between 8 P.M. and 2

Continued on Page 6

## Lying down in a no-standing zone



With horsepower aplenty all around him on an Atlanta street, Patrolman John Kirkland confronts his own horsepower problem after his horse, Cheyenne, fell to the pavement and could not get back up. Believed to be ill with colic, Cheyenne was taken to the police stables for veterinary care, according to Kirkland, a veteran of seven years in Atlanta's mounted patrol.

Wide World Photos



# ...NewsBriefs...NewsBriefs...NewsBriefs...

## UN gears up for world survey of violent crime

When crime experts from around the world begin next year to survey member nations of the United Nations to determine trends in violent street crime, one major stumbling block — agreement on definitions of crimes that conform to the diverse legal backgrounds of the world's countries — will have already been surmounted, due to the efforts of crime scholars from a dozen countries who met in early October at the Rutgers University School of Criminal Justice under the auspices of the United Nations.

Prof. Marvin Wolfgang, director of the University of Pennsylvania's Center for Studies in Criminology and Criminal Law, called the gathering of world crime experts, "the most productive meeting the United Nations has had since 1945." Prof. Wolfgang said the major accomplishment of the group has been in getting the experts to agree on definitions of crimes

that conform to standards of English common law, Napoleonic law, Germanic law and Islamic law.

The new survey is expected to produce a better response from member countries to questionnaires that will be sent out late next year. Results of the survey, which will investigate crime trends in countries from 1975 through 1979, are not due to be completed until 1983.

The purpose of the survey, meeting participants told the New York Times, is to help the United Nations and its member nations measure crime trends and provide information to develop crime control strategies.

An earlier UN-sponsored survey, which covered 1970 through 1975, had generated a response of only 62 countries to the questionnaires. Gerhard O.W. Mueller, the head of the United Nations Crime Prevention and Criminal Justice Branch, noted, "We had to develop a new instrument, a new technique for getting the information from member states."

## Reagan war on drugs called a placebo by Fla. governor

The Reagan Administration's war on drugs has so far amounted to little more than a lot of talk and little action, according to the governor of the state many say is worst ravaged by the flow of narcotics.

The Associated Press quoted Florida Gov. Bob Graham as saying, "We've heard a lot of talk from Washington, but you don't fight drug smuggling with words. You don't fight illegal activity with blanks. You've got to have live ammunition and that costs money."

Graham, appearing before the U.S. House Select Committee on Narcotics Abuse and Control, called his home state "America's main drug war battleground."

The wire service said the Florida governor urged Congress to end the ban on spraying marijuana crops in Colombia and to provide Army and Navy support in the search for drug smuggling operations.

Graham also urged more Federal manpower for patrolling known drug routes and called for additional Federal sharing of tax information on smugglers with state law enforcement officials.

## Iowa governor looks to 'Crime Stoppers' program

Plagued by a reported increase in his state's crime rate, Iowa Governor Robert Ray has announced a series of state programs, grants and legislative initiatives to help stem the tide.

Included in the governor's package, which he announced in Des Moines at the recent meeting of the Governor's Conference on Crime Prevention, are:

• Grants of up to \$1,000 to be offered to communities that provide "innovative juvenile crime prevention programs," according to a United Press International report. The wire service said, in addition, that smaller organizational grants will be given to 80 communities to help them in starting narcotics abuse prevention programs.

• A statewide "Crime Stoppers" program, similar to the programs set up in Albuquerque, New Mexico, and dozens of other states and localities nationwide, will be established in Iowa, along with a toll-free telephone number for citizens who can provide law enforcement officials with information about crimes that have occurred.

• Bills given to the state legislature for a Drug Profit Law that will enable Iowa state officials to seize and keep all

money used in the purchase or sale of illegal narcotics.

Other bills to be given to the state legislature include proposals to allow judges to double or triple fines levied in drug cases, as well as a bill that will create a Criminal Justice Improvement Fund.

In announcing his series of initiatives at the crime prevention meeting, Gov. Ray said he was especially concerned about the impact narcotics and alcohol were having on the rate of juvenile crime. Ray cited state statistics that show that 40 percent of all serious crime in the state last year was committed by individuals under the age of 18.

He said community service officers in the state's Department of Public Safety will be available to help local communities in establishing crime prevention programs. Ray also said support will be increased for undercover narcotics investigations by the Division of Criminal Investigation.

## Casey steps up to bat as IACP's new 6th VP

Those who follow the comings and goings of the hierarchy of the International Association of Chiefs of Police should get used to the name of Nashville Police Chief Joe D. Casey — in 1987, he's going to be that organization's president.

Casey moved into line for this spot by winning the IACP's sixth vice presidency at the group's recent meeting in New Orleans. He had to do it in a runoff against Chief Charles Reynolds of Dover, New Hampshire, since neither of the two was able to get a majority of the votes in the four-person field that the organization originally had to choose from.

Contacted by Law Enforcement News following his election, Casey was restrained in his victory statement and full of praise for his opponents.

"I knew I had a hard race to run," Casey said. "I was running against some well-qualified candidates."

Casey will begin serving his term as sixth vice president of IACP this year and will annually move up one rung in the

vice presidential ladder until 1987, when he is slated to become president of the group. Leadership of IACP changes hands approximately every 12 months, although this year, due to a scheduling aberration, the term of office will be 14 months for Col. James Damos of University City, Missouri.

Chief Casey has held his present position in the Nashville Police Department since November 1973. He began as a patrolman in that city's force in 1951 — "30 years ago in November" — and lives in Nashville with his wife. He is the father of four daughters and a son, and the grandfather of four.

Chief Casey said that papers he is required to file with the IACP elections committee show that he spent fairly close to the \$8500 spending limit to get elected to the IACP vice president's slot.

Noting that he had campaigned on a hard "law and order" platform, Casey said he ran on a pledge to "represent every police officer not only in this country, but throughout the world."

The speech President Reagan made before the chiefs at the IACP convention made a favorable impression on Chief Casey.

"The President, I think, came out and said things that needed to be said, and I have been saying most of the things the President has said for several months now. I've been all over Tennessee making speeches to civic groups."

"I think he hit it right on the head as to what's happening to us in this country, and that something has to be done about it," Casey said.

## What's On Your Mind?

Law Enforcement News welcomes input from its readers. Letters to the editor or contributions to LEN's "Public Forum" section should be addressed to: LEN, 444 W. 56th Street, New York, NY 10019.

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# LAPD embattled over deadly force, budget

## Gates blasts Police Foundation study of LA's officer-shooting probe practices

Call it an old-fashioned East-West rivalry. Call it a renewal of a personal feud between two men who are, to put it in words one of them used, "not on the best of terms." Call it a basic dispute over how police departments should investigate complaints against themselves.

Whatever you choose to call it, Los Angeles Police Chief Daryl Gates and Police Foundation president Patrick Murphy have locked horns over the results of a Police Foundation study of

shootings.

The foundation study called for the retention of the district attorney's Operation Rollout procedure, giving the team "complete freedom of movement at all scenes of officer-involved shootings," and recommended the replacement of Lieut. Charles Higbie, head of the LAPD's officer-involved shooting unit, with a rotating group of investigators, a procedure already used by the Los Angeles County sheriff's office.

The study also urged that the D.A.'s



LAPD Chief Daryl Gates

the LAPD that found the department to be lacking in its cooperation with the local district attorney's handling of officer-involved shootings.

Gates, quoted in the Los Angeles Times, called the report, "non-objective, one-sided, outdated; it is typical of the Police Foundation."

The foundation study accused the LAPD of hampering investigations and not cooperating fully with the LA district attorney's "Operation Rollout," the project that investigates officer-related



Patrick V. Murphy

Rollout team be allowed to observe police interviews of civilian witnesses and to interview police witnesses, rather than being kept away as is the case now.

Much of the department's rebuttal to the foundation concerns the time frame covered by the study. LA County District Attorney John Van de Kamp quoted in the Times, said, "Someone said it's an historical snapshot, and that may be about right."

But the district attorney said that the

Continued on Page 12

## Compromise cost-cutting plan to civilianize 10 top uniformed slots through attrition

Los Angeles Police Chief Daryl Gates, embattled by critics from both within and without his city, now must contend with a new plan from the Los Angeles Police Commission that calls for cutting or civilianizing the jobs of two of his nine deputy chiefs and eight of his 20 commanders.

The chief, however, is already on record in the Los Angeles Times, as calling the commission's plan "reasonable," saying it shows "a commendable restraint and wisdom."

The reason for Gates' words of praise is that the commission's latest plan is a compromise between a plan the chief proposed to reduce the LAPD management ranks and the earlier recommendations of a City Administrative Office audit, a document Gates had once thrown on the floor in front of startled reporters and stepped on several times.

The management audit had called for the elimination or civilianization of four out of the nine deputy chiefs, five of 20 commanders and 33 of 79 captains.

Gates responded with his own plan calling for the elimination of one captain's job and the downgrading of 11 captain's positions to lieutenants. Critics of the chief's proposal said that under Gates' plan salary costs might actually have risen, since lieutenants are eligible for overtime pay while captains are not.

The commission's plan, which calls for all cuts to occur through attrition, must still be approved by both Mayor Tom Bradley and the City Council as part of an overall budget scheme. The proposed cuts are to take effect over the next five years.

Commission members said its proposal

would save the department and the city \$8.2 million dollars a year when fully implemented in the next five years. The commission estimated the savings could be used to put 240 more patrol officers on the street through a combination of overtime for existing officers and hiring additional cops.

That estimate was challenged by Chief Gates, who said any additional savings as a result of the plan would probably be eaten away by additional budget cuts. The force, which had been authorized at 7,411 officers before Proposition 13 was approved in 1978, has seen its strength reduced by 246 officers since the implementation of the tax-reduction initiative.

Gates told the Los Angeles Times that he opposes any cuts in deputy chiefs or commanders and warned that the loss of top management personnel would result in a "leaderless" department, one that is prone to corruption and ineffective in handling events requiring coordinated law enforcement action.

Under the commission's plan, the deputy chiefs in charge of the vehicle fleet and financial planning will be replaced with civilians. It also calls for eliminating the jobs handled by seven commanders and replacing one other commander, civilianizing the jobs of five captains in technical areas such as computer operations, eliminating one captain's position and downgrading 11 other captain slots to lieutenant.

The commission's proposal, however, would still leave intact the present department system under which a deputy chief heads each of the department's four geographic areas.

## New Orleans waits till 11th hour to settle police-hiring bias suit

As Law Enforcement News was going to press, it was announced that agreement had been reached out of court — the day trial was to have begun — in an eight-year-old lawsuit charging discrimination in the hiring and promotion practices of the New Orleans Police Department.

The New York Times, which reported the terms of the settlement, said the provisions included the following:

• The city will create 30 new positions for black police sergeants. Twelve blacks will be promoted to lieutenant, two to captain and one to major.

• Blacks in the police department will be promoted on "an accelerated basis" until they constitute half of all ranks, and the city has agreed in the future to "promote blacks and whites on a one-to-one basis." The agreement also says that the proportion of black officers at the rank of sergeant and above cannot exceed their representation among the lower ranks.

• A new entrance examination will be devised under the guidance of one psychologist hired by the city and psychologists hired by the plaintiffs, who were represented in their suit by the NAACP Legal Defense and Education Fund Inc.

• Two more black instructors will be hired for the Police Academy, raising the number of blacks on the 12-member staff to four.

• The number of blacks hired after training in the academy will equal the

proportion of the number of blacks that pass the entrance examination for the academy.

• The city of New Orleans, according to the Times report, has "agreed to intensify its efforts to hire black policemen, through recruitment at high schools and at community meetings and has agreed to open police application centers in black neighborhoods."

• A hiring freeze, which had laced the New Orleans department since last November, was, in effect, lifted with the announcement that eight white officers will be promoted to fill current vacancies for sergeant.

Monetary payment to the plaintiffs, who, according to court papers, are "all black persons who have applied for but were denied employment as patrolmen," will be determined later. Under terms of the agreement, payment could come in one of two forms: either \$250,000 in back pay and an "unspecified" additional amount in pension adjustments to the entire group of plaintiffs, or a total award of \$300,000 to those bringing suit.

The issue of pay was reportedly one of the major factors in prodding both sides to come to terms before the case reached trial. The city might have wound up paying millions more dollars in claims had the plaintiffs won their case in court.

Ronald Wilson, an NAACP lawyer re-

Continued on Page 6

## Badge number R2-D2...

## Denver adds robot cop

Police officials in Denver may have found a solution to cutting down injuries suffered by officers hit in the line of duty, to say nothing of saving money on pension funds — they've introduced the first police robot on the force.

The "remote mobile investigation unit" is a 230-pound robot that moves on six wheels and is connected by cable to a handcart control device operated by human officers. The cable can extend for 200 feet to the handcart operating unit, which receives television pictures and has a spotlight for night work.

The unit, designed by the Scarborough, Canada, firm of Pedesco Canada Ltd., includes such features as a remotely controlled "hand" capable of picking up objects as heavy as 70 pounds, according to the manufacturers.

Police officials were reluctant to reveal too many of the machine's capabilities to inquiring reporters, fearing that criminals who read the papers may get too quick a jump on how to make end runs around the wired officer. "They will find out (about the robot's capabilities) soon enough," Police Department bomb

squad supervisor Bob Shaughnessy told the Denver Post.

But officials said the machine would be invaluable in handling explosives and dangerous materials and could, upon electronic command, open packages and suitcases.

Also included among the robot's special features are a listening device similar to a doctor's stethoscope, which will enable police officers to gauge the sound of a ticking bomb, and the capacity for X-ray equipment, enabling operators to "see" into the packages.

Officials plan to use their electronic friend for firefighting as well. Bob Pederson, president of Pedesco Canada, said the robot can be equipped with a device that will shoot foam at fires that are judged too dangerous for humans to go near.

The company president said the unit was designed with the help of experts from the Royal Canadian Mounted Police. The machine's cost of \$15,000 was defrayed through contributions of area businessmen who asked to remain anonymous, according to police department officials.



# People & Places

## New Pa. chief goes from frying pan to fires

Into the proverbial hot seat as police chief of Saltsburg, Pennsylvania, goes Bruce Nordmark, a former officer with the Vandergrift police department, who says catching those responsible for a rash of mysterious fires is one of his major goals.

"We're working on the case," Nordmark told the Pittsburgh Post-Gazette. "He will be caught."

Two police chiefs have quit in the last two years, but the Pittsburgh paper says the town's list of unsolved crimes was not the reason for either of the two leaving.

According to the Post-Gazette, however, the outburst of crime "has many of the village's 1,000 residents on edge."

Saltsburg's Borough Council was unable to find a local resident who wanted the police chief's job or who had the necessary credentials for the position, the paper reported.

Among the major crimes unsolved in the town are a fire last July that gutted Saltsburg's police station, including all of its records. The town's police car was stolen in August from the front yard of former acting Police Chief Terry Troup. Equipment in the car was stolen and the charred remains were found at a farm.

### It's Your Space...

People & Places is for news about you. Let LEN know what you've been up to. Send items to the editor, LEN, 444 W. 56th St., NY, NY 10019.

## Earning a Presidential pat on the back

While trying to discourage Michael Buchanan, a distraught 17-year-old, from jumping off a Bowery flophouse roof, New York City police officer William Fox must have thought at times, "The only thing separating this boy from the pavement are my words."

Fox, a 35-year-old bachelor who lives on Staten Island, wound up persuading the boy not to jump and was given temporary custody of the youth by a New York Family Court.

The officer also received a few words for himself, written by the President of the United States. In his letter to Fox, according to the New York Times, President Reagan said, "How inspiring to read about your humanity and determination

to save a young man filled with despair. Nancy and I want to tell you of our deep admiration for your act of steadfastness to save Michael."

The boy has also had an educational trust fund set up for him by the New York Patrolmen's Benevolent Association, with the aid of contributions from all over the country.

## Washington's a hero

No one has to tell Chicago police officer Louis Washington that being a cop is a 24 hour-a-day occupation. On March 9, while driving off-duty, Washington, a 28-year veteran of the Chicago force, saw a man holding a gun to a woman's head. When the woman struggled free and began to run, the offender fired at the woman, apparently wounding her.

Washington jumped out of his car and ran to the woman, who was being hit by her attacker. Announcing that he was a police officer, Washington suddenly faced a hail of bullets from the offender. Washington waited until the area was clear of innocent bystanders and then returned the fire. In the ensuing melee, the officer suffered a series of lacerations and contusions and had his right eardrum perforated. Despite his injuries, the officer was still able to assist back-up units in the capture and arrest of the offender.

For his act of heroism, Washington has been awarded Chicago's highest commendation for bravery, the Carter Harrison Award, at a special ceremony October 6 in the Chicago City Council chambers.

## Sleuths laud top cop

The Society of Professional Investigators doffed its organizational hat recently to the New York City Police Department's Chief of Detectives, James Sullivan, selecting him as the group's Man of the Year.

The award dates back 26 years to the first such honor given to the late Robert F. Kennedy when he was Chief Counsel for the Senate Select Committee on Improper Activities in the Labor and Management Field. Since then, local, county, state and Federal officials have been cited by the society.

## Sheriff on hot seat

The heat is on for Loudoun County Sheriff Donald L. Lacy, who has announced he will step aside from his post while being investigated by Virginia officials on charges of misconduct and possible criminal activity, according to recent stories appearing in the Washington Post.

The Post said one county official, who asked not to be identified, revealed that the charges "involved misuse of sheriff's employees, charges that Lacy often fails to show up for work and charges concerning Lacy's personal life."

The embattled 34-year old Republican, who stunned local politicians 21 months ago when he upset Democratic incumbent Robert Legard, a 16-year veteran, in the race for the sheriff's spot, has heatedly denied any impropriety and has vowed not to resign. His attorney, John Moorcones, called the charges "just extremely malicious rumors and they're not true." Lacy told the Washington Post the allegations are "just politics."

Each day I hear something new," Lacy said.

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# SUPREME COURT BRIEFS

By AVERY ELI OKIN



Following the tradition of nearly two centuries, the Supreme Court began its new term on the first Monday in October. Appearing below are several cases of special interest to law enforcement officials, which appeared on the Court's docket at the start of the 1981-82 session.

## Search and Seizure

Tracy General Tyrone C. Fahner III of Illinois, along with four attorneys of the State Attorney's Office, have asked the Supreme Court to determine whether the mother of a criminal defendant had the authority to allow police to search a garage which she had rented to her son.

Specifically, the state requested a review of a case decided by the First District, Illinois, Appellate Court, which determined that even though the defendant's mother in fact owned and retained a key to the garage she lacked authority to give the police her key so that they

## 'Federal authorities have found support in the courts for employing only the reasonable-suspicion test to detain at an airport.'

could perform a search of the premises. In reaching that decision, the appellate court noted that the mother had rented the garage to her son for over six years, during which time he had the exclusive use.

The question which Attorney General Fahner has put before the Court is whether the mother's consent to the search was legally sufficient to allow the items seized to be admitted at the defendant's trial, in light of the fact that the police officer who conducted the search had no reason to believe that the mother lacked full authority to the use of all her property, including the garage. (Illinois v. Bochniak, No. 81-291, petition for certiorari filed August 7, 1981.)

## Airport Detention

In recent years, the Federal courts

have liberalized the probable cause test which law enforcement officials have traditionally used to determine if grounds exist to make an arrest. In fact, to combat the very serious problem of drug trafficking across state lines, Federal authorities have found support in the courts for employing only the "reasonable suspicion" test to detain a suspect at an airport.

The most recent sanction of the "reasonable suspicion" test came from the Court of Appeals for the First Circuit. In that case, the appellate court ruled that agents of the Drug Enforcement Administration had the authority to detain an airline passenger's suitcase for one hour while the agents awaited the arrival of a drug-sniffing dog. The appellate court determined that reasonable suspicion existed for the detention of the luggage to prevent the disposal of the drugs, since the passenger had exhibited very nervous behavior and had made a false statement to the authorities that the suitcase had been searched earlier in the day in Miami.

Private counsel retained by the passenger whose luggage was detained has requested the Supreme Court to review,

among other things, whether reasonable suspicion alone, without probable cause, is sufficient under the Fourth Amendment to detain an air traveler's luggage for an hour, which may cause him to either miss another flight or to lose temporary possession of personal effects. (West v. United States, No. 81-307, petition for certiorari filed August 14, 1981.)

## Electronic Beepers

In an unrelated drug case, the Court of Appeals for the Fifth Circuit, sitting en banc — with all the qualified judges participating — ruled that "reasonable suspicion" of drug-related criminal activity is a sufficient basis to support the installation and monitoring by police of an electronic tracking "beeper" on the exterior of an automobile which was parked in a public place.

Three privately-retained Atlanta attorneys asked the Court to determine if the warrantless monitoring of the suspect by electronic tracking "beeper," based on no more than "reasonable suspicion," violated the defendant's Fourth Amendment rights. (Michael v. United States, No. 81-112, petition for certiorari filed July 10, 1981.)

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## Model guidelines drafted for probing officer misconduct cases

By EDWARD DIAMOND

After a series of heated, often emotional meetings among members of the Police Executive Research Forum, capped by a two-hour debate at last month's meeting of the International Association of Chiefs of Police in New Orleans, the Washington, D.C.-based law enforcement think-tank has issued a "model policy statement" on how police departments should handle instances of officer misconduct.

The statement calls for police agencies to investigate all instances of officer misconduct, the issuance of an official agency-written directives manual for each department's officers on all aspects of police work, an annual report on department misconduct to be distributed to members of the public and the press (excluding names of accused officers), and a formalized structure within each department for hearing complaints, determining their validity and notifying each complainant that an outcome has been reached.

Gary Hayes, PERF's executive director, told Law Enforcement News that the final statement is an attempt to balance the rights of citizens who feel they have been wronged by the police, the needs of the department to conduct proper internal investigations and the rights of officers not to have to bear the brunt of "frivolous" complaints.

"You don't want to bring in the whole machinery of the investigative process where there's really no substance to (the complaint)," Hayes said.

The idea for the officer misconduct statement originally began as a proposal by PERF's new president, San Diego Sheriff John F. Duffy, who was then chairman of PERF's Forum Committee, a group of police executives who decide routinely to bring issues of importance before the group's membership.

Other members of the Forum Committee include Seattle Police Chief Patrick Fitzsimons, Miami Police Chief Kenneth I. Harms and Charlotte Police Chief

Mack M. Vines.

"I was the one who suggested that we use this particular issue," Duffy said in a recent telephone interview.

PERF director Hayes said that the group's members argued about the meaning of the statement, with some chiefs voicing the opinion that their state laws, collective bargaining agreements and civil service laws would prohibit them from duplicating the exact rules in the statement.

"This (statement) is what you would like to see in the ideal world," Hayes said, referring to the final draft of the model policy. "But they couldn't understand that and as a result we kept getting tangled up in references to state law and collective bargaining."

Not all of the disagreement among PERF members was a matter of semantics, however. There was genuine discord among police chiefs assembled in New Orleans over such issues as requiring polygraph tests of officers accused of misconduct, having departments notify complainants of the specific results of department hearings on misconduct, and having maximum penalties spelled out in the policy statement for different instances of misconduct.

"In this business, trying to get, in a large roundtable, consensus on several items is very difficult," Sheriff Duffy conceded. "I would have preferred in a couple of (instances) to have seen a little stronger statement, but it's better to have a policy in some form than not have one at all."

Compromise language in the final policy draft allows discretion on the part of each police chief as to whether the specifics of each case's outcome are to be given to citizens who originally filed complaints, whether or not polygraph tests are to be required of accused officers, and eliminating maximum penalties for each offense noted in the model policy statement.

Sheriff Duffy used his own department

Continued on Page 12

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# Peoria takes a look behind its crime statistics

Continued from Page 1

A.M. (1,060), but the greater number of injuries was reported during the latter time period (246).

When an injury is noted, the most common report is of a minor injury. A minor injury is described by the study as when "the victim (has) suffered a physical injury of some kind but there is no indication that the injury is serious. The injury requires only first aid treatment or does not require any immediate treatment at all."

The number of minor injuries reported for the three-month period was 441, of which 57 were incidents in which both injury and loss of property took place.

Most property reported stolen, damaged or destroyed in incidents fell into the "under \$10" category, with 813 such incidents. Of these, the greatest number, 790, were "loss only" incidents.

The mean seriousness score, defined in the report as the "arithmetic average determined by dividing the total seriousness by the number of victimizations," for Peoria during this time period was 2.09. A score of 1 is the lowest seriousness number which is still noted on the chart.

Peoria was originally used in the study, PERF director Hayes noted, "because we thought it was a fairly representative medium-sized city," and also for "the interest and the commitment of the chief." Hayes said that both the Peoria and Colorado Springs police departments have been awarded Phase II grants from the Bureau of Justice Statistics. In addition,

two other cities, yet to be selected, will also be getting the CCS treatment.

Andrews said that the possibility of the CCS method being used as an eventual replacement for the FBI's Uniform Crime Reports was "so far down the road it verges on not even being worthwhile talking about." Hayes noted, however, that it is "fairly well known" that BJS is in the process of asking for a reexamination of its own method of gathering statistics, and that one of the sources it will be looking at for methods of generating additional statistical data will be the results of the PERF studies.

Chief Andrews said that as far as his city was concerned, the CCS procedure had not yet been integrated into the police department. He said the system currently in use in Peoria is much larger than the microcomputer used by CCS.

"We enter a tremendous amount of data from our reports into our computer now," Andrews said. "So in effect, the experiment meant a duplicated clerical effort."

The CCS data, Andrews explained, were fed into a smaller microcomputer operating independently of the larger computer Peoria now uses. "In our case it would take either revision of our computer program or a decision to use the stand-alone independent micro (computer) in a redundant kind of operation."

An additional clerk was hired for filing data into the CCS computer, the chief said.

The Peoria chief also said that the CCS format uses a system of entering crimes

## VICTIMIZATION RATES BY EVENT CATEGORY FOR ADULTS AND CHILDREN

|   | ADULTS<br>18 YRS. & OLDER | CHILDREN<br>17 YRS. & UNDER | TOTAL   |
|---|---------------------------|-----------------------------|---------|
| POPULATION                                  | 78,239                    | 32,344                      | 110,583 |
| INJURY AND LOSS CRIMES<br>NUMBER OF VICTIMS | 102                       | 6                           | 108     |
| INJURY AND LOSS<br>RATE PER 100/POPULATION  | 13                        | 018                         | 097     |
| INJURY CRIMES<br>NUMBER OF VICTIMS          | 635                       | 153                         | 788     |
| INJURY CRIMES<br>RATE PER 100 POPULATION    | 811                       | 47                          | 712     |
| LOSS ONLY CRIMES<br>NUMBER OF VICTIMS       | 1963                      | 84                          | 2047    |
| LOSS ONLY CRIMES<br>RATE PER 100 POPULATION | 25                        | 259                         | 185     |
| TOTAL<br>NUMBER OF VICTIMS                  | 2700                      | 243                         | 2943    |
| TOTAL RATE<br>PER 100/POPULATION            | 345                       | 75                          | 266     |

Courtesy Police Executive Research Forum

A sample statistical breakdown from the three-month field test of CCS in Peoria. The classification system also included analyses of place and time of occurrence, seriousness of offense, weapons used, injuries sustained and victim-offender relationship, among others.

into the computer that is known as the ABCR (Attribute-Based Crime Report) method. This allows, Andrews said, "relatively untrained and certainly unsophisticated persons in the law and crime language...to enter attributes into the computer and the computer will use algorithms to classify the crime."

### Relieving Sergeants' Load

"That offers a great attraction to us for consistency and reliability purposes," Andrews added, "to relieve our sergeants of that clerical load, which, in our case, is a centralized position but goes on around the clock, and that can cause quite a drain on their working time."

Andrews said he was definitely optimistic about the system's future in Peoria.

"I think there's no question we'll probably implement it permanently when the research project is over," the chief noted. "We're certainly not going to use everything that's been tried or that's going to be tried in future phases. But it's a heck of a big improvement over numbers that aren't too useful managerially right now."

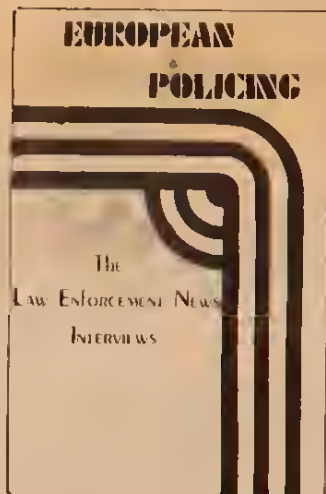
Andrews said that "now comes maybe the much more difficult part of trying to decide how to use it and how to present it and how to communicate it to people."

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## New Orleans settles police bias lawsuit; back pay still an issue

Continued from Page 3

presenting the plaintiffs, told the Times, "We haven't decided upon the manner of distribution of back pay funds agreed upon in this case."

The city's chief administrative officer, Renard Rouchon, said concerning the agreement, "Based upon recommendation of attorneys representing the city, after their consideration of the economic impact and the city's exposure in the matter, it was recommended that the issue be settled."

But Federal District Judge Mory L. Sear, who had issued the original temporary restraining order that resulted in the department's hiring freeze last November, said the case would remain open until the agreement was submitted to him for approval and notices were sent to the plaintiffs.

Statistics released by the city's administrative officer at the time the settlement was reached showed that there were 230 blacks in a force of slightly more than 1,000 officers. Six of the departments 198 sergeants are black, as are two of the departments 66 lieutenants. There were no black captains or majors listed at the time the statistics were released.

Statistics released through the NAACP Legal Defense Fund showed that the population of New Orleans Parish is approximately 55 percent black.

NAACP attorney Wilson told the Times that although "reinstatement and other minor issues" remained to be resolved between the city and the plaintiffs, he did not expect those issues to be grounds for blocking the settlement reached.



# Square talk on crime from the Oval Office

## President Reagan's remarks to the 88th Annual Meeting of the International Association of Chiefs of Police

Mr. Chairman and the other guests here on the dais and you ladies and gentlemen, it's a privilege to stand here for public order. You have a tough job and a dangerous one. Believe me, I know. I mean no irreverence when I mention that I once played a sheriff on TV who thought he could do the job without a gun. I was dead in the first 27 minutes of the show. And I should have included in my greeting here and I know, the sheriffs also who are present.

You and I have a few things in common. Harry Truman once said about the job that I have that being President is like riding a tiger. A man has to keep on riding or he'll be swallowed. Well, that's a pretty good description of what you do for a living. Society asked you simultaneously to protect the innocent, ensure the legitimate rights of property — that you must converse with the multitude, and oversee them, of social services that police captains provide and sheriffs provide for the public and all the while balance the interests of your department with those of your community, the government and its citizens. And none of this is easy.

The pressures are enormous. You must be administrator, financier, social worker, public relations expert, even politician and still somehow always be a cop.

Well, we — you do have one of the toughest jobs in America. And let me assure you today that I speak for millions of Americans who, if they could stand here now, would say simply and directly to you, "Thank you for all the always remembered things that you do each day. And remember you do have our support and our unfailing gratitude."

### Crime's 'steady, ominous growth'

In preparing these remarks, I had an opportunity to go back and look over some of the comments I've made to law enforcement officials on other occasions. The topic of those discussions was a subject with which you have more than a passing familiarity — the steady, ominous growth of crime in our nation.

In one speech some years ago in Las Vegas I once wondered about what was happening to America, and I noted the fear and the anger of the citizenry as they locked themselves in their homes or refused to walk the streets at night. I spoke too about a phenomenon known as the "youthful offender," the astonishing percentage of crimes that they were estimated to be responsible for.

Then there was a speech in Dallas where I mentioned the effect of narcotics on the crime rate and the appalling estimates that drug addicts were responsible for the economic increase of certain crimes.

I don't mention these speeches now because they show any gift of insight on my part. The truth is what I said then was well known at the time, certainly by you. The speech in Dallas was delivered in 1974. The speech in Las Vegas in 1967. The frightening reality for all of the speeches by those of us in government, for all of the surveys, studies, and blue ribbon panels, for all of the 14-point programs and the declarations of war on crime, crime has advanced and advanced steadily in its upward climb and our citizens have grown more and more frustrated, frightened, and angry.

You're familiar enough with the statistics. The cases that make them up cross your desk every day. In the past decade violent crime reported to police has increased by 59 percent. Fifty-three percent of our citizens say they're afraid to walk the streets alone at night. Eighty-five percent say they are more concerned today than they were five years ago about crime.

Crime is an American epidemic. It takes the lives of 25,000 Americans, it touches nearly one-third of American households, and it results in at least some six billion — I think I said that figure wrong right there — it results in at least \$8.8 billion per year in financial losses.

Just during the time that you and I are together today, at least one person will be murdered, nine women will be raped, and 389 homes will be burglarized. This will all happen in the span of the next 30 minutes, or while I'm talking. Now, if by stopping talking I could change those figures, I'd stop. But you know that they will continue at the same rate throughout every 30 minutes of the 24 hours of the day, and I don't have to tell you, the men and women of your departments will be the first to cope with the mayhem, the wreckage, the suffering caused by those who considered themselves



Wide World Photo

President Reagan outlines his Administration's anti-crime plans for the IACP audience.

above the law with the right to prey on their fellow citizens. Crime has increased in that thing that I mentioned of the youthful offender between 18 and 21.

And that other problem I mentioned years ago — the incredible impact of drug addiction on the crime rate — continues. Studies of prison inmates have found that at least half admitted to using drugs in the month prior to their arrest. And it's still estimated that 50 to 60 percent of property crimes are drug-related.

From these statistics about youthful offenders and the impact of drug addiction on crime rates a portrait emerges — the portrait is that of a stark, staring face — a face that belongs to a frightening reality of our time:

the face of a human predator; the face of the habitual criminal — nothing in nature is more cruel and dangerous.

### Federal help for a local problem

Study after study has shown that a small number of criminals are responsible for an enormous amount of the crime in American society — one study of 250 criminals indicated that over an 11-year period they were responsible for nearly half a million crimes — another study showed that 49 criminals claimed credit for a total of 10,500 crimes. Take one very limited part of the crime

Continued on Page 8



**'The exclusionary rule rests on the absurd proposition that a law enforcement error, no matter how technical, can be used to justify throwing an entire case out of court, no matter how guilty the defendant or how heinous the crime.'**

Continued from Page 7

picture — subway crime in New York City — the transit police estimate that 500 habitual offenders are actually responsible for 40 percent of those offenses.

Now I fully realize that the primary task for apprehending and prosecuting these career criminals — indeed for dealing with the crime problem itself — belongs to those of you on the state and local level.

But there are areas where the Federal Government can take strong and effective action. And today I want to outline for you some of the steps that we're going to take to assist you in the fight against crime.

First, this Administration intends to speak out on the problem of crime. We will use this, what 'Teddy Roosevelt called, a "bully pulpit" of the Presidency to remind the public of the seriousness of this problem and the need to support your efforts to combat it. I believe that this focusing of public attention on crime, its causes and these trying to fight it is one of the most important things that we can do.

Second, in talking out about crime, we intend to speak for a group that has been frequently overlooked in the past — the innocent victims of crime. To this end I will soon be appointing a Task Force on the Victims of Crime to evaluate the numerous proposals now springing up regarding victims and witnesses. We will support legislation that will permit judges to order offenders to make restitution to their victims. The victims of crime have needed a voice for a long, long time and this Administration means to provide it.

Third, law enforcement is already an important area in our effort to restore and renew federalism. We seek to end duplication and bring about greater cooperation between Federal, state, and local law enforcement agencies with the following steps: U.S. Attorneys will seek to establish law enforcement coordinating committees which will be composed of the district heads of Federal agencies as well as key state and local officials. These committees will stimulate an exchange of views and information that will lead to a more flexible, focused, and efficient attack against crime.

We will seek to extend the cross-designation program now working with success in several localities. These programs permit courts and grand jury rooms to pursue investigations and prosecutions of serious crimes when they cross jurisdictional lines.

Closer cooperation with the states and localities on penal and correctional matters. We've recently established a Bureau of Prisons Clearinghouse which will locate surplus Federal property that might be used as sites for state or local correctional facilities.

### Overhauling the Criminal Code

Fourth, this Administration will support a number of statutory reforms that will redress the imbalance between rights of the accused and rights of the innocent. To this end we will be working with the Congress to achieve a sweeping revision of the Federal Criminal Code. This matter is now pending before both houses. A revised Criminal Code will help in our fight against violent crime, organized crime, narcotics crime, and fraud and corruption. I cannot stress too strongly the need for prompt passage of legislation that revises the Federal Criminal Code, and this will be the foundation of an effective Federal effort against crime.

We will push for bail reform that will permit judges under carefully limited conditions, to keep some defendants from using bail to return to the streets, never to be seen in court again until they're arrested for another crime.

We also support the reform of the exclusionary rule. I don't have to tell you, the people in this room, that this rule rests on the absurd proposition that a law enforcement error, no matter how technical, can be used to justify throwing an entire case out of court, no matter how guilty the defendant or how heinous the crime. The plain consequence of treating the wrongs equally is a grievous miscarriage of justice. The criminal goes free. The officer receives no effective reprimand and the only ones who really suffer are the people of the community.

But I pause and interject here one incident, maybe known to a great many of you, because it is a famous case, but it occurred back while I was Governor of California, in San Bernardino. Two narcotics officers with enough evidence to warrant a search, get a search warrant, entered a home where they believed heroin was

being peddled. A married couple lived there. They searched. They found no evidence. As they were leaving, one of them, on a hunch, went over to the crib where the baby lay sleeping and removed its diapers, and there was the heroin. The case was thrown out of the court because the baby hadn't given its permission to be searched. It became known as the diaper case. I told that story once and one of the Secret Service agents assigned to the Presidential detail came up later and said, "I was one of those narcotics officers. That's why I quit."

Well, we also support an exception of the Posse Comitatus Act that will allow the military to assist in identifying and reporting the drug traffic.

We will ask for revision of the Tax Reform Act that will make it easier for Federal departments to cooperate in making income tax cases against major organized crime figures and drug pushers. And we will support mandatory prison terms for those who carry a gun while committing a felony.

And fifth, one of the single most important steps that can lead to a significant reduction in crime is an effective attack on drug traffic. Let me outline the major points in our narcotics enforcement strategy: A foreign policy that vigorously seeks to interdict and eradicate illicit drugs, wherever cultivated, processed or transported. This includes the responsible use of herbicides.

I will also be establishing a Special Council on Narcotics Control consisting of the Attorney General and the Secretaries of State, Defense, Treasury and others

**'Criminals believe that they're better than the rest of us, and that those of us who lead normal lives and earn a normal living are a little slow on the uptake.'**

to coordinate efforts to stop the drug flow into this country.

A border policy that will improve detection and interception of illegal narcotics imports. This will include the use of available military resources for detection when necessary.

A domestic policy that will more effectively coordinate efforts among Federal agencies as well as between these agencies and those at the state and local level. This will be a first priority of the Law Enforcement Coordinating Committee. We have already taken a step in this direction by significantly improving cooperation between the FBI and the Drug Enforcement Agency on drug investigations.

A legislative program featuring statutory reforms dealing with trials, sentencing and admission of evidence that I have already mentioned.

### 'The Climate of Lawlessness'

Now, let me also emphasize that our efforts will not be confined to law enforcement. The problem of drug abuse is one that reaches deeply into American society. We need to mobilize our religious, educational and paternal groups in a national educational program against drug abuse.

Sixth, violent crime is a major priority. But we fully understand that crime doesn't come in categories — all crime is related — and an effective battle against street crime can hardly be waged in a vacuum. The street criminal, the drug pusher, the mobster, the corrupt policeman or public official — they form their own criminal subculture, they share the climate of lawlessness: they need each other, they use each other, they protect each other.

We will continue to focus Federal efforts on sophisticated forms of crime similar to those emphasized by the FBI under Judge Bill Webster.

And that's why I want to say a word today to those Federal agents and prosecutors who have done so much in recent years to expose the problem of organized crime and public corruption. The existence of syndicates of highly organized criminals and public officials who peddle their sacred trust are blots on American history. I can assure you, no administration has ever been more anxious to work toward wiping away these blots. So, to those in the field — those in the field who fight this frustrating, sometimes disheartening battle against highly sophisticated forms of crime: this Administration stands behind you.

In discussing these forms of sophisticated crimes, we see again the emergence of the problem of career criminals — those who make a conscious decision to pursue illicit professions, a decision based on a belief that crime does pay.

I believe the emergence of this problem of career criminals has seriously undermined the notion that criminals are simply products of poverty or underprivileged backgrounds.

At the very same time that crime rates have steadily risen, our nation has made unparalleled progress in raising the standard of living and improving the quality of life. It's obvious that prosperity doesn't decrease crime — just as it's obvious that deprivation and want don't necessarily increase crime. The truth is that today's criminals for the most part are not desperate people seeking bread for their families. Crime is the way they've chosen to live.

A few weeks ago, Esquire magazine published an article that gained widespread attention. It was written by a young novelist who with his psychiatrist wife had moved into a section of Venice, California, that had become crime-ridden. In explaining why his wife and he — two educated, urbane people — ultimately decided to arm themselves, he described in chilling terms the burglaries, rapes, hold-ups, gang fights and murders that have become commonplace in their neighborhood.

Let's face it," he said of the criminals, "Some of these people are poor. Some of them are driven crazy

with desire for stuff they'll never be able to afford. But not all of them are poor, not by a long shot. A lot of them are making as much money, or a great deal more, than you or I do. They do it because it's easy. They do it because they believe no one will stop them." And he added, "They're right."

### Getting Away with Murder

Let's face it: there is an arrogance to the criminal mind — a belief in its own superiority over the rest of humanity. The slant of organized crime is instructive here. It isn't surprising that some of these criminals habitually refer to themselves as "wise guys" and the honest people are "working stiffs." They do really believe that they're better than the rest of us, that the world owes them a living, and that those of us who lead normal lives and earn an honest living are a little slow on the uptake.

How accurate those words by that young novelist about career criminals. They do it because they believe no one will stop them, and they're right. The truth is that criminals in America today get away with plenty and sometimes, quite literally, they get away with murder. Only 40 percent of the murders ever end with a suspect being imprisoned. In New York City less than one percent — no, I'm sorry, one-sixth of reported felonies — even end in a prison term for an offender.

I would suggest the time has come to look reality in the face. American society is mired in excessive litigation. Our courts today are loaded with suits and notions of every conceivable type. Yet, as our system of justice has become weighed down with lawsuits of every nature and description, as the courts have become the arbiters of all kinds of disputes they were never intended to handle, our legal system has failed to carry out its most important function, the protection of the innocent and the punishment of the guilty.

It's time for honest talk, for plain talk. There has been a breakdown in the criminal justice system in America. It just plain isn't working. All too often repeat offenders, habitual law-breakers, career criminals, call them what you will, are robbing, raping, and beating with impunity and, as I said, quite literally, getting away with murder. The people are sickened and outraged. They demand that we put a stop to it. What is especially disturbing about our failure to deal with crime is the erosion it has caused in public confidence in our judicial system. In one recent poll, 70 percent of the people said they had little or no confidence in the ability surveys may still be needed. The blue ribbon panels may



**'In the end, the war on crime will only be won when an attitude of mind and a change of heart takes place in America, when certain truths take hold again and plant their roots deep in our national consciousness.'**

The legal profession, one of the most highly regarded in this country, is now in deep trouble with the public. One ABC-Harris poll found that law firms finished last after the Congress, the press, and the labor unions, in a list of 13 institutions which the public was asked to rate. Similarly, lawyers received favorable mentions from only 13 percent of those interviewed, half the percentage that did so in a 1973 survey. This decline in public confidence in our courts and in the legal profession remains a threat to one of our most important traditions as Americans, the heritage of our independent judiciary, free from public or political influence, and a legal profession with a reputation for high, unassailable ethics.

Let me quote what one lawyer-policeman had to say recently about how criminal cases are handled today. He said, "In the criminal courts, cases are being trivialized in ways independent of the evidence." New York Police Commissioner Robert McGuire recently said, "Instead of the system being geared to treat each individual case as a manifestation of anti-social behavior. The main impetus is to dispose of it. No one is talking about the morality of crime."

Commissioner McGuire has put his finger on the problem. Controlling crime in American society is not simply a question of more money, more police, more courts, more prosecutors. It's ultimately a moral dilemma, one that calls for a moral, or if you will, a spiritual solution. In dealing with crime, new programs may help. More law and order rhetoric may be justified. The studies and surveys may still be needed. The blue ribbon panels may keep investigating. But in the end, the war on crime will only be won when an attitude of mind and a change of heart takes place in America, when certain truths take hold again and plant their roots deep in our national consciousness, truths like: right and wrong matters; individuals are responsible for their actions; retribution should be swift and sure for those who prey on the innocent.

### **'Theft is not cultural expression'**

We must understand that basic moral principles lie at the heart of our criminal justice system, that our system of law acts as the collective moral voice of society. There's nothing wrong with these values, nor should we be hesitant or feel guilty about furnishing those who violate the elementary rules of civilized existence. Theft is not a form of political or cultural expression. It is theft and it is wrong. Murder is not forbidden as a matter of subjective opinion. It is objectively evil and we must prohibit it and no one but the thief and murderer benefits when we think and act otherwise.

Again, let me point to something that I hadn't included in my remarks but I am reminded of, the whole problem of capital punishment. Well, I had an answer to that on my desk for several years while I was Governor. It was a list of the names of 12 criminals, 12 murderers, who had all been paroled, and released, and at the time the list was on my desk, their total number of victims then was 34, not 12. I think capital punishment in the beginning might have reduced that figure considerably.

A tendency to downplay the permanent moral values has helped make crime the enormous problem that it is today, one that this Administration has, as I've told you, made one of its top domestic priorities. But, it has occurred to me that the root causes of our other major domestic problem, the growth of government and the decay of the economy, can be traced to many of the same sources of the crime problem. This is because the same utopian presumptions about human nature that hinder the swift administration of justice have also helped fuel the expansion of government.

Many of the social thinkers of the 1950's and 60's who discussed crime only in the context of disadvantaged childhoods and poverty-stricken neighborhoods were the same people who thought that massive government spending could wipe away our social ills. The underlying premise in both cases was a belief that there was nothing permanent or absolute about any man's nature — that he was a product of his material environment and that by changing that environment — with government as the chief vehicle of change through educational, health, housing and other programs — we could permanently change man and usher in a great new era.

Well, we've learned the price of too much government: runaway inflation, soaring unemployment, impossible interest rates. We've learned that Federal subsidies and

government bureaucrats not only fail to solve social problems but frequently make them worse.

It's time too that we acknowledge: the solution to the crime problem will not be found in the social worker's files, the psychiatrist's notes, or the bureaucrat's budgets; it's a problem of the human heart and it's there we must look for the answer. We can begin by acknowledging some of those permanent things, those absolute truths I mentioned before. Two of those truths are that men are basically good but prone to evil; and society has a right to be protected from them.

The massive expansion of government is related to the crime problem in another, less obvious way. Government interference in our lives tends to discourage creativity and enterprise, to weaken the private economic sector and preempt those mitigating institutions like family, neighborhood, church and school organizations that act as both a buffer and a bridge between the individual and the naked power of the state.

A few years ago, Supreme Court Justice Lewis Powell noted that we had been cut adrift from the "humanizing authority" that had in the past "shaped the character of our people." He noted that governmental authority had grown large and regretted the weakening of the most "personal forms that we've known in the home, church, school and community which once gave direction to our lives."

Charles Malik, a former president of the U.N. General Assembly, wondered about the weakening of moral authority in our places of learning. He said he had sought "in vain for any reference to the fact that character, personal integrity, spiritual depth, the highest moral standards, the wonderful living values of the great tradition, have anything to do with the business of the university or with the world of learning."

Well, as for the weakening of family values, Michael Novak, theologian and social critic, recently said that: "the family nourishes 'basic trust.' And from this springs creativity, psychic energy, social dynamism. Familial strength that took generations to acquire and can be lost in a single generation, can disappear for centuries. If the quality of family life deteriorates," he said, "there is no 'quality of life.'"

What these commentators are saying is that for all our science and sophistication, for all of our justified

teams. And one of those teams was playing against Texas Christian. Now TCU was having some pretty mediocre, but on this particular day, as sometimes any team will, they rose to the heights. And in a critical moment, a pass receiver for TCU made a diving catch in the end zone — what could have been the winning touchdown over the national champions. The people in the stadium were going wild when the captain of TCU walked over to the referee and said, "No, sir, the ball touched the ground before he caught it."

Now, what was your first reaction? Did you just say to yourself, remembering your own times sitting in the grandstand, "Why didn't he keep his mouth shut? He could have gotten away with it." But should he have kept his mouth shut? Some day he may represent you in the Congress or in the White House or even the statehouse. He might even be on the Supreme Court. And what then? Do you want him to keep his mouth shut to make a decision on the basis of political expediency or do you want him to be guided by the same kind of inner moral conviction that made him tell the referee the truth? Where does it stop?

I think every one of us would like to think that maybe his son has a chance to play football someday under that young man who has now grown up and is a coach. But where does it start? I think it starts inside each one of us. If each of us lives up to our responsibilities in our personal lives, professional capacity, we can foster a greater respect for the law, for the principle of truth and justice. You have to make decisions every day that require moral courage, the courage not to ignore that rumor of corruption about someone under your command, or to refuse a favor for a powerful politician or influential attorney, or just give in to weariness and not pursue a criminal case you know should be vigorously prosecuted.

When we took our oaths of office, you and I, we made certain promises. We said we would uphold the law, whether those who violate it are common criminals or misguided members of a public employees' union. It may be old-fashioned but nothing sums up this personal commitment more than the simple word, "honor."

When Thomas Jefferson was advising his nephew what path he should follow to achieve success, he told him that men must always pursue their own and their

**'The same utopian presumptions about human nature that hinder the swift administration of justice have also helped fuel the expansion of government.'**

pride in intellectual accomplishment, we must never forget, the jungle is always there waiting to take us over. Only our deep moral values and our strong social institutions can hold back that jungle and restrain the darker impulses of human nature.

### **Mobilizing private institutions**

In order to return to this sense of self-imposed discipline, this concept of basic civility, we need to strengthen those private social institutions that nurture them. Our recent emphasis on volunteerism, the mobilization of private groups to deal with our social ills, is designed to foster this spirit of individual generosity and our sense of communal values. For this reason, we have moved to cut away many of the Federal intrusions of the private sector that were preempting the prerogatives of our private and independent institutions. That's why we've been willing to make some hard decisions in Washington about the growth of government. We've laid out a program for economic recovery. We'll stand by that program and see it through. We are determined to put an end to the fiscal joyride in Washington — determined to bring America back to prosperity and stability.

Assuring this kind of lawful society is an individual responsibility and one that must be accepted by all of us. This, too, is a matter of attitude — the way we live our lives, the example we set for youngsters, the leadership that we show in our profession.

I'd like to tell a little story here that I think illustrates this point. It was a few years back when Bud Wilkinson had those great national champion Oklahoma football

country's interests with the purest integrity, the most chaste honor. "Make these then your first objective," Jefferson said. "Give up money and give up fame. Give up science. Give up the earth itself and all it contains rather than do an immoral act, and never suppose that in any possible situation or under any circumstances that it is best for you to do a dishonorable thing, however slightly so it may appear to be."

Again, I commend you for manning the thin blue line that holds back a jungle which threatens to reclaim this clearing we call civilization. No bands play when a cop is shooting it out in a dark alley. God bless you and thank you.

### **In the next issue of LEN:**

**An interview with Charles Rogovin, former head of both LEAA and the Police Foundation  
You'll say you saw it in Law Enforcement News**



# Hanging together in the fight against crime

## FBI Director William Webster's remarks to the IACP Conference in New Orleans

Fellow members of I.A.C.P., it's great to be back with all of you again.

Yesterday it was our privilege to see and hear the President of the United States. His coming here, in and of itself, signaled his deep concern for the problems facing law enforcement and his support of our efforts to deal with crime on a daily basis. I paid close attention, as I know you did, to what he had to say to us.

He has pledged himself to use his office to speak out on our behalf; to arouse national concern for the victims of crime; to restore and renew federalism in law enforcement; to support legislative initiatives to redress the imbalance between the rights of the accused and the rights of the innocent; to develop an effective attack on drug trafficking; and to continue to focus Federal efforts on sophisticated forms of crime such as organized crime and public corruption, even as together we tackle the mounting problems of violent crime in our society. He has urged us to help him mobilize the massive moral and spiritual resources which still abide in the wellspring of our people and to support and encourage the countless law-abiding citizens willing and ready to volunteer their time and energies to help us regain control of our destiny and bring "community" back into our lives.

What we heard was both a firm statement of support and a challenge to work together more effectively. It is in this spirit that I speak to you today. For as Benjamin Franklin was reported to have said as he signed the Declaration of Independence, "We must all hang together or we shall all hang separately."

We come together once again out of a shared recognition of our interdependence. I.A.C.P. provides for all of us an opportunity to lock arms in a consistent and increasingly professional strategy to diminish the blight of crime. This effort, as the President observed, cannot come soon enough. Crime appears to be spreading virtually unrestrained.

Our annual crime report for 1980, released just two weeks ago, dramatically underscored this fact. There were over 13 million major criminal offenses reported by law enforcement last year. That's up nine percent over 1979, and an increase of 55 percent since 1971. Violent crime increased 60 percent in the same decade.

### Fleeing crime's 'reign of terror'

We've also witnessed an even greater increase in the fear of crime — a fear that is diminishing our freedom and the quality of our life. I don't need to tell you about this. You see it every day on the streets and in the homes of your communities. It is driving people to arm themselves — often people who don't know how to use those weapons — and to install elaborate and expensive security devices to protect their property and their families. Some of you have seen your neighbors flee the city to the supposed sanctuary of rural areas to escape what Chief Justice Burger has termed the "reign of terror" of violent crime in American cities.

Perhaps most perplexing to all of us in law enforcement is the realization that this avalanche of crime took place during a decade of unprecedented expenditures for research, training, and new technology in our profession. Nationwide, law enforcement arrested 37 percent more persons for violent crimes last year than in 1971, but it was not good enough. Throughout the decade, clearance rates — solution rates — declined.

Certainly the need for effective cooperation has never been greater. Chief Quinn, your recent editorial in *Police Chief* magazine states the issue bluntly and clearly:

"Cooperation is absolutely essential...today. *Critical* is a more accurate description."

During the past year I have seen many examples of shared efforts and effective cooperation between law enforcement agencies — I mention only two. When President Reagan was shot, the FBI entered the investigation, with the full support of the Secret Service under Stu Knight, as lead agency under the Presidential Assassination Statute. Throughout this nationwide effort we have enjoyed the full cooperation and dedication of resources by the police of the District of Columbia as well as countless law enforcement agencies throughout the United States as we worked to run every lead and account for every discoverable fact about the shooting and its origins. For this we are deeply grateful.

On the other side of the coin, when the series of miss-



FBI Director William Webster

ing black youths in Atlanta caused a local and then a national concern, the FBI utilized its kidnapping jurisdiction to lend support to the local police investigation, and to date, has poured in very substantial resources in manpower and investigative expense to assist the local police in their ongoing investigation. Special agents have been contributed at various times by over 20 field offices throughout the United States. Cooperation between professional officers in this effort has been outstanding.

As we proceed into the decade of the 80's, it is reasonably clear that resources will not be plentiful — wasteful duplication of services will be intolerable, and a greater focus upon the true role of law enforcement in a federalist society will be essential to the faithful discharge of the heavy responsibilities entrusted to our care.

Attorney General Smith recognizes this problem, and has called for greater coordination of Federal, state, and local law enforcement efforts. He recently ordered United States Attorneys and other Federal law enforcement officials around the country to begin meeting with their local counterparts to identify, together, the most serious crime problems facing their communities, and to determine where Federal assistance would be of most value. Through these conferences, they are to develop and implement strategies for using Federal resources to

achieve maximum impact on these problems.

Flexibility will be an important key in this effort. For example, we have seen a 53 percent rise in bank robberies since 1977. Last year there was an 11 percent increase over 1979. And so far it looks like there will be another increase this year. Our bank robbery solution rate and convictions declined between 1976 and 1980.

As a result, we have reexamined our commitment in communities which need our help. A joint task force in New York City, combining Federal investigators and New York City police detectives, has made heavy inroads in what was a sharply rising rate of bank robberies.

Nationally, Federal bank robbery arrests and prosecutions are now on the upswing, and there has been a slight increase in the number of convictions.

Sometimes, the limitations in resources will mandate some hard, and occasionally unpopular, decisions. We recently had to make one such decision with respect to our fingerprint services to licensing agencies and others not directly a part of the law enforcement community. It was a painful decision.

### Criminal justice gets top priority

Timeliness is vital to the effective operation of our criminal justice system. Despite our best efforts and your assistance, the workload in our fingerprint identification system has grown to an unmanageable level. We are currently facing a backlog of over 400,000 unprocessed fingerprint cards and an unacceptable average turnaround time of 27 workdays. This means wanted persons have been released before their true identities are known and criminal investigations and judicial processing are hampered. The adverse impact of this situation was underscored by the Attorney General's Task Force on Violent Crime with the recommendation that prompt remedial action be taken. Additional personnel resources are not expected for this purpose.

Accordingly, we have temporarily suspended the processing of noncriminal justice-related fingerprint cards. The one-year suspension period will enable us to eliminate the backlog and, in the end, improve our service to all users. This decision was not made lightly and stems from our commitment that the criminal justice community must receive top priority — given the seriousness of the nation's crime problem.

As you know, the Attorney General's Task Force on Violent Crime, headed by former Attorney General Griffin Bell and Governor Jim Thompson of Illinois, has completed its report. The recommendations of the task force respect the separation of powers between the Federal Government and the states, but point out that there are a number of contributions the Federal Government can make in terms of assisting state and local officers — the "front line" troops — in waging this battle against violent crime.

Many of the recommendations parallel the types of support the FBI has been providing to your departments — support that is germane to the day-to-day responsibilities of law enforcement, as well as to the emergency situations in which a police department may become involved. These relate to training of state and local officers, forensic and technological research, exchange of criminal history information, interstate fugitive apprehensions, collection of arson statistics and fingerprint identification services. We must harness the computer and other modern technology to serve our mission.

Some of the other recommendations echo the suggestions that I, and many of you, have been making for the past few years — fine tuning of the Freedom of Information Act, loosening the restrictions on the availability of income tax data for legitimate law enforcement purposes, reform of our bail system, and tougher enforcement efforts against those who traffic in illegal narcotics.

Last year, we reached over 172,000 police officers through our field training programs, the National Academy, and specialized courses and seminars such as the National Executive Institute and our International Terrorism Symposia. But, because of budget constraints, that's only about half of what we were able to reach 10 years ago.



**'We don't need vigilante groups; we need, instead, vigilant citizens who understand law enforcement, know our police officers as human beings, respect us, trust us — who will provide windows of understanding to our communities.'**

This past June, I had the pleasure of participating in the dedication of our new Forensic Science Research and Training Center at our Academy in Quantico. We'll be using this modern facility to train state and local laboratory personnel and to undertake advanced forensic research, one more advance made possible by superb cooperation between Federal and local agencies.

Perhaps no other area of law enforcement calls for concerted effort at all levels than the challenge to rid this nation of the scourge of narcotics and drug abuse.

Illicit products come into this country in incredible quantities, overwhelming the resources currently committed to their interdiction, feeding the giant profits of criminal networks and enterprises, generating corruption, violence and tragedy.

The President and the Attorney General have called for closer cooperation between Federal agencies, both abroad and at home.

The principal components of the Federal effort must be the DEA and the FBI. We are already hard at work to achieve this goal. Throughout these efforts the theme has been: "How can we do it better together?" In the evolution of a joint strategy there are now some 60 operations in which DEA agents and FBI agents are working together in important investigations. A special committee designated by the Attorney General is preparing to make specific recommendations to him on how best to make this long-term effort succeed. In addition to other Justice Department officials, the committee, chaired by Associate Attorney General Rudy Giuliani, includes Peter Bensinger, Bud Mullen and myself. My own advisory committee within the Bureau has completed its study both here and abroad.

The corporate shape of any realignment will rest with the Attorney General after a full review of the facts and our recommendations to him. Accordingly, I will not attempt to discuss the particulars of any of the possible alternatives or speculate as to the action the Attorney General will take. I can tell you that Bud Mullen and I are both determined that the momentum shall not be stalled in the process, and that the efforts of many talented and dedicated men and women in both organizations shall be brought increasingly to bear on this problem.

Just a few weeks ago, working with DEA, we arrested over three dozen men and women engaged in massive drug trafficking between Colombia and Florida. We seized, with the help of IRS, \$7 million in cash, \$11 million in bank accounts, 5 airplanes, 20 automobiles, and a 4,800 acre ranch all in one day. We called the case BANCOSHARES, and it involved a long-term under-

cover operation in which we acted undercover as the brokers to launder money before it went into the bank. We laundered about \$170 million in a relatively short period of time. I don't think the American people fully realize what big business we are talking about.

The drug problem is not new to you. You struggle with it every day, and some days are better than others. No Federal strategy can replace your work; Federal agencies must plug into your effort and support your effort in full partnership with you. The streets will never be clear until we have succeeded in reaching beyond the streets into the upper echelons of these criminal enterprises, or indeed until we have enlisted the full cooperation and assistance of friendly governments at the source of supply — (We must convince them that our friends do not permit drugs to be exported to the United States in violation of our laws) — and until we are able to successfully interdict the major shipments that come by boat and by plane with increasing frequency. And we, who have seen the damage that traffic has done to the moral and physical fiber of our citizens, must help those who tell the story and tell it as it is.

The President's program of interagency cooperation at the highest level to deal with the foreign aspect of this problem, the potential for badly needed military assistance to provide intelligence and help interdict the traffickers at our shores, and his full support for Federal, state and local law enforcement signal a time to go on the offense — and I speak for us all when I say, "Mr. President, we are on board."

Finally, no strategy will be complete if we ignore the millions of good citizens who want to help us in our work.

Law enforcement cannot do it alone. Across this land we find citizens asking how they can help — let us tell them.

We don't need vigilante groups; we need, instead,

vigilant citizens who understand law enforcement, know our police officers as human beings, respect us, trust us — who will, in short, provide windows of understanding to our communities. The Two Hundred Clubs, Crusade Against Crime, the Backstoppers, the Law Enforcement Explorer Scouts, the Victims of Crime organization, all of these volunteer organizations must be encouraged and nurtured and will pay huge dividends in more effective community-based support for our efforts.

These, as I see it, are some of the problems which face all of us, and our need to cooperate as we seek to solve these problems. Cooperation must also exist on a one-to-one basis among officers and departments. It is sometimes best demonstrated when an "officer needs help" call is broadcast. Recently, we had such a situation in our Atlanta office when a gunman forced his way into our office and took nine of our support employees hostage. A team of our agents and officers of the Atlanta Police Department was assembled. Working as a team and at a great personal risk, the agents and officers were successful in rescuing all of our employees. We are thankful for this cooperation and the cooperation that you extend to us on a daily basis.

The FBI's commitment to cooperation is best expressed by a statement in brass which now appears in the courtyard at FBI Headquarters in Washington, D.C. The statement is a quotation from J. Edgar Hoover and it declares:

"The most effective weapon against crime is cooperation. . . The efforts of all law enforcement agencies with the support and understanding of the American people."

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## Pitt chief, FOP head tangle over new patrol format

Pittsburgh's police union president and its police superintendent are engaged in a public war of words in the city's media over the effect of the department's new patrol system and fears within the department that the traffic division may be eliminated.

Lieut. Pat McNamara, president of the city's Fraternal Order of Police, told the Pittsburgh Post-Gazette recently that "many of the changes in the new system are inefficient at best and frequently downright belittling."

But Police Superintendent Robert J. Coll said that the changes announced on October 1 are a result of "my first responsibility...to the people and to provide service when it is needed." Asked to respond to the charges made by McNamara, Coll disputed the union president's figures and said "change always brings reaction."

McNamara claimed that under the new patrol system one police car which had handled 3,744 calls in 1980 had been eliminated and another car in the Oakland section that had handled 8,786 calls last year had been reduced from 24-hour patrol to a single 8-hour shift.

The FOP chief also said the East Liberty and Northside areas had cars that had been similarly cut or reduced in hours. He claimed that service between 3 A.M. and 7 P.M. had been reduced in several areas.

Superintendent Coll disputed McNamara's charge, claiming: "Calls for service are registered by a particular area and not a car. Any car in that district

could have answered those calls."

The dispute between the two may appear to be over numbers, but in fact it goes to the heart of department policy and officer response in a city where the population is on the decline.

McNamara told the Post-Gazette that there are 44 patrols in the new system inaugurated by Coll, when previously there had been 62. Coll conceded that there had once been 62 patrol sectors but said there are now 45 sectors covered by patrols. He said the 62 sectors had existed in 1970, at a time when Pittsburgh was a city of 550,000 people with a police force of 1,700 officers. Current census figures show Pittsburgh's population to be approximately 450,000, and the department lists a manpower complement of 1,400 officers.

The police superintendent said that patrols are now concentrated between the hours of 6 P.M. and 2 A.M., "because this seems to be our peak crime period. This is when we feel visibility will help reduce crime." He pointed out that on some days between 3 A.M. and 7 P.M., "we have had only seven calls for service throughout our entire city."

McNamara contended that the newly reopened No. 1 Station in the Downtown area of Pittsburgh, with the assignment of 45 officers who had been in other stations throughout the city, in addition to 90 officers from the Traffic Division, was a signal that Coll plans to phase the Traffic Division out entirely.

Another clue to this, McNamara

charged, was in the form of an internal memorandum that forbids traffic officers from wearing their symbolic white hats.

Coll disputed this claim as well, telling the Post-Gazette, "We will always have a Traffic Division." He conceded, however, that "we are limiting the number of our specialists. When there are no problems, these men will be police officers." He said the decision to have the traffic officers wear blue hats was in line with this reasoning, since all police officers on the force wear blue, not white hats as part of their regular uniform.

The superintendent reacted with sur-

prise to claims that the new patrol policies were causing wholesale changes in days off and partner assignments, as well as increases in the number of swing shifts assigned.

He said that one officer in each of eight stations was added to swing shifts, so that four officers could be available for each patrol car instead of the three officers assigned under the old system. Although only two officers ride in any patrol car at any given time, the superintendent said the assignment of four officers was necessary to cover days off and vacation time for officers.

## Police Foundation, LAPD trade fire over deadly force probes

(Continued from Page 3)

most recent officer-related shooting covered in the report was in January, two months after the Police Department and the district attorney's office had gotten together to develop a plan for better communication and cooperation on investigations.

Van de Kamp told the Times that since he and the chief had gotten together to form the mutual aid pact, "there has been a much more professional relationship between the district attorney's office and the police department."

Van de Kamp said that "complaints are now rare and the number of complaints has gone down. We are getting a greater level of cooperation from the Police Department and the whole attitude is more professional."

The district attorney conceded that the relationship between the two offices is not perfect. "It's not the best of all possible worlds but we're light-years ahead of where we were."

He admitted, however, that investigations concerning officers and shooting incidents could still use some speeding up.

The foundation study was funded through a Law Enforcement Assistance Administration grant. Chief Gates called the study a "misuse of public funds" and noted that there is no love lost between him and foundation president Murphy. "We are not on the best of terms," the Times quoted Gates as saying.

Both Gates and Van de Kamp were critical of the foundation's recommendation that a special grand jury be empaneled to hear cases of officer-related shootings, the district attorney noting that "our present grand jury is ready and willing to hear these matters."

The foundation report also drew fire from Los Angeles County Sheriff Peter Pitchess, who said in a strongly worded letter to the foundation's research director, "We greatly resent the inference put forth by your questionnaire which tends to indicate that the existence of the Rollout program should somehow have an impact on the frequency of officer-involved shootings." Pitchess said "such a premise is insulting in that it blatantly alleges that the shootings in past years occurred solely because there was an absence of a review procedure."

## Chiefs draft model document for tackling police misconduct cases

(Continued from Page 5)

in San Diego as an example of how state regulations can affect a chief's discretion as to whether or not to implement guidelines suggested in the PERF statement.

State law in California, Duffy said, precludes requiring a state employee who is under investigation to take a polygraph test. That prohibition, the sheriff said, is contained in California's "Police-men's Bill of Rights," which was enacted over the objection of most police chiefs in the state.

Duffy said his own policy in San Diego states that if witnesses in a complaint are willing to undergo polygraph examinations, an officer may be asked, but not required, to take the examination as well. Officers who request such an examination, which Duffy said "they routinely do in one-on-one situations," are granted such requests.

But the San Diego sheriff said it was his own personal opinion that "we could have been a little stronger than we were in the polygraph, but that was the best compromise that could be effected by the entire group that day."

Other items included in the final draft of the policy statement may raise the eyebrows of some police officers. The policy

statement provides, for example, that an officer may be interrogated "during non-working or non-waking hours" when the situation "may bring the agency into disrepute" or if the incident in which the officer is involved is "extremely serious."

The statement also says that an officer's locker or other department-assigned storage space may be searched by the department as long as the search is conducted "in the presence of an internal officer and a property control officer." Hayes said a debate among Forum Committee members over this item took place, with the result being a notation in the policy statement that officers having their lockers searched would be required to be notified and could be present if they chose to be there.

"What should happen," Sheriff Duffy said, "providing the policies are adopted, is that the public will be better informed about how we do in fact handle complaints about misconduct."

The sheriff was asked if the model policy statement would mean any major changes in his own department in San Diego.

"Well, no," Duffy replied. "I'm afraid we're way ahead of that."

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## LAPD use of choke holds given fresh breath of life by Rehnquist

The issue of whether Los Angeles police officers may use neck holds on persons in routine law enforcement situations is still to be decided during the current term of the U.S. Supreme Court, but the Los Angeles Times reports that a ruling by Associate Justice William Rehnquist will allow members of the LAPD to continue to use the choke holds until the high court resolves the matter.

Rehnquist's five-page opinion extended the temporary stay of a ruling by U.S. District Judge Robert M. Takasugi but has restricted the use of so-called "bar-arm" and "carotid-artery" control holds, which LA cops say are used to stop persons resisting arrest or trying to escape.

The department's use of the holds is being challenged by Adolph Lyons, a citizen who claimed members of the LAPD used the hold on him without provocation when he was stopped for a parking violation in Watts in 1976. Lyons is being supported in his challenge of the department's use of the holds by lawyers for the American Civil Liberties Union.

District Judge Takasugi, who issued his restraining order last December in Los Angeles, said in his ruling that the use of the holds is "unconscionable in a civilized society." The judge ordered the police to refrain from using the techniques except

in situations "where police officers are threatened with death or serious bodily injury," according to the L.A. Times.

The judge's order was upheld in August by the U.S. Court of Appeals for the Ninth Circuit and would have taken effect September 18, but was stayed by a decision handed down by Rehnquist only hours before the order would have taken effect.

Rehnquist's opinion extending his original stay of the district judge's order said the department's use of the holds had been in effect for four years and the stay would allow these procedures to continue for a "few additional months." The U.S. Supreme Court will decide, probably this winter, whether or not to hear an appeal of the appeal of the district court judge's decision.

Rehnquist said there was "sufficient doubt" about the lower court ruling to indicate that the Supreme Court may well review the case. The justice called into question Lyons' legal standing in the case, since he may never be subjected to the holds again.

According to department spokesmen, the "bar-arm" hold cuts off the air supply to the victim's lungs and the "carotid artery" hold restricts the flow of oxygenated blood to the brain. Both holds leave the subject unconscious.

## New York governor urged to cut drunk drivers off at the pass

A widely distributed internal draft of recommendations proposed by the New York Governor's Alcohol and Highway Safety Task Force, which has received attention of several local New York newspapers, includes the recommendation that police roadblocks be set up outside local bars to catch people on their way home suspected on drunk driving and give them breath tests.

According to a description of the recommendation appearing in the New York Daily News, "slurred speech, awkward motor control and the smell of booze are among the factors cops could cite in requiring the test."

The task force has yet to give the governor a final copy of its recommendations for his approval, and the assistant director of the interagency support system that assists the task force has said there is no official position on any of the draft's recommendations until it has cleared the task force, which is composed of 16 commissioners.

Richard Smith, the Interagency Support System's assistant director, said in an interview with Law Enforcement News that the draft copy which has appeared in several local newspapers "is still undergoing clearance with the whole task force."

The governor would have to approve much of the task force's recommendations before they could become law. Any proposed changes in law would have to clear the State Legislature before they are put into effect.

Still, reaction to the proposed roadblock idea has been swift and vocal. Barbara Shack, top Albany lobbyist for the New York Civil Liberties Union said that the roadblock proposal was "the same thing as authorizing police to go door to door in an apartment building searching for guns."

She told the Daily News the NYCLU sees the roadblock plan as an unconstitutional invasion of privacy and an illegal

search.

Her comments were echoed by the assistant director of the NYCLU, Gara Lamarche, in an interview with Law Enforcement News.

"We would be opposed to any kind of system of searches where the searches were not based on probable cause that the individual driver was violating the laws against driving while intoxicated," Lamarche said.

"Obviously, we don't oppose any of the laws that make it a crime to drive while intoxicated, and to the extent that individual officers have reason to believe that individual drivers are in violation of the laws, by the usual ways of figuring those kinds of things out, for instance, weaving in and out of lanes, we have no objection to the car being stopped and its driver interrogated on that basis.

"But we don't believe that it's really a proper use of law enforcement authority to simply stop everybody and give them a breath test without probable cause against individuals," Lamarche continued. "I don't think it's sufficient to say that because a person is pulling out from a bar's parking lot that they are drunk. We have to assume that most people obey the law and not the contrary."

Some of the 56 other provisions of the draft report, according to Julian Rivo, an ex-police officer who served on the task force, include strict laws against serving minors, laws requiring seat belt use, and laws concerning the minimum age of those purchasing alcoholic beverages.

### Share the Wealth

Keep your colleagues as well informed about the police scene as you are — pass LEN along and keep the wealth of information paying dividends for all of you.



## BURDEN'S BEAT

By ORDWAY P. BURDEN

### Tracking down leniency in sentencing: Earl Hunting and 'Citizens for Law & Order'

There are lots of court-watching organizations around the country, but the acknowledged master is Citizens for Law and Order in California. For 11 years, the all-volunteer CLO has kept an eagle eye on California's county and state courts and shone its scorching spotlight on every judge, prosecutor and probation officer it deems to be soft on criminals.

The results: judges in California's most populous counties can be sure that no lenient sentence will go unnoticed, and that, if they pass too many such sentences, the CLO will work to oust them. Said CLO president Earl W. Hunting, "I would say that we could take credit for the fact that about eight judges haven't been reelected and one was kicked off the bench. We've also been instrumental in getting three or four elected."

The CLO's vehicle is, of course, publicity. Hunting estimates that he gives 60 talks a year on California's criminal justice system, and other leaders in the 6,900-member organization probably give another 40. In addition, the CLO issues a bimonthly newsletter called CLO News that summarizes what it considers to be the worst cases of leniency in handling criminals. The newsletter is blunt, straightforward and occasionally colorful. A judge deemed soft by the CLO is apt to be labeled "Turn 'Em Back Mac" (as in, turn 'em back to the streets), and the state's Supreme Court and its chief justice are invariably called "Rose Bird and the Supremes." On the other hand, when one of its volunteer court reporters makes an (infrequent) error, the News is quick and gracious in publishing a correction.

Based in Oakland, Citizens for Law and Order has ten chapters around the state. Chapter members keep a close watch on Superior Courts in their counties, and a scoreboard showing the disposition of the most serious criminal cases appears in each issue of CLO News. CLO members also attend meetings of public bodies when law enforcement issues are on the agenda, lobby in the legislature, monitor newspaper and TV and radio reports on criminal matters, support strong discipline in schools, support police at every level, and oppose any organization they believe is opposed to law and order.

Besides these ongoing objectives, CLO has other priorities. "Right now," said Earl Hunting, "our number one priority is supporting the Victim's Bill of Rights Initiative referendum, which will be on California's ballots in June." The referendum has a number of aims, including abolishing the diminished capacity defense and the state's mentally disordered sex offenders program, limiting the exclusionary rule and plea bargaining, getting tough with violent juvenile offenders, and permitting crime victims and their families to attend parole hearings.

Also high on CLO's priority list is more state prisons. "We want more prisons immediately, and we want them built without frills — just bare-bones prisons out in the desert so that people won't want to stay in them," Hunting said.

Not surprisingly, the CLO generates controversy. As Bill Fiset wrote in the Oakland Tribune, "Mention the name of Earl Hunting and his 'Citizens for Law and Order,' and you'll get a mixed reaction. Some think he and his Oakland-based group are akin to vigilantes or the Ku Klux Klan. Others, notably those alarmed at high crime rates, think Hunting's organization may be one of the best and only salvations for urban life."

Responding to charges of vigilantism, the CLO vehemently denies it. Vigilantism, the CLO wrote, is "frightening. Let's hope law enforcement gets a handle on matters before matters get out of hand. CLO is opposed to vigilantism. CLO believes that law enforcement should be made to work."

To those who ask how the CLO defines leniency, Hunting replies, "God gave me common sense. Do you have to be a lawyer to tell whether there's leniency? We check, we read, we do all of this all the time. My bible is the California Penal Code."

Citizens for Law and Order was born in 1970 after Earl Hunting and four friends heard a talk on the frustrations of prosecutors by D. Lowell Jensen, who prosecuted Black Panther leader Huey Newton for murder and who is now an assistant United States attorney general. Hunting, a retired Army colonel, quit his investment business to head the infant organization without pay. Within a short time, the CLO had 65 members and it has grown steadily ever since.

"We have no plans at this time to expand outside of California," Hunting said, "but we're glad to help court-watchers in other states. There aren't any we know of that are as well-organized as we are, so we give them the information or advice they want and wish them luck."

More information may be obtained by writing: Citizens for Law and Order, Box 13089, Oakland, CA 94661.

Ordway P. Burden welcomes correspondence to his office at 651 Colonial Blvd. Westwood P.O., Washington, D.C. 20075.

## MOVING?

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# UPCOMING EVENTS

## DECEMBER

- 1-3. **Child Abuse Seminar.** Presented by Theorem Institute. To be held in Salt Lake. Tuition: \$350. For more information, contact: Theorem Institute, 1782 Technology Drive, San Jose, CA 95110.
- 1-4. **Industrial Security Seminar.** Presented by the National Crime Prevention Institute. Tuition: \$200. For more information, contact: Admissions, National Crime Prevention Institute, School of Justice Administration, University of Louisville, Shelby Campus, Louisville, KY 40292. Telephone: 15021 588-6561.
- 1-4. **Forensic Science Techniques Seminar.** Presented by The Traffic Institute. Fee: \$340. For further details, consult: The Traffic Institute, 555 Clark Street, Evanston, IL 60204.
- 2-4. **Stress Management Techniques for Criminal Justice Personnel.** Presented by Harper & Row Criminal Justice Media. To be held in Philadelphia, Penn. For further information, contact: Harper & Row Criminal Justice Media, 10 East 53rd Street, New York, N.Y. 10022.
- 3-4. **Burglary Investigation Seminar.** Presented by the Criminal Justice Center of John Jay College of Criminal Justice. For more information, consult: Ms. Barbara Natow, Criminal Justice Center of John Jay College, 444 West 56th Street, New York, N.Y. 10019. Telephone: (212) 247-1600 or 1602.
- 4-5. **Security Certified Protection Professional (P) Exam Review Course.** Presented by Northern Virginia Community College. To be held in Arlington, VA. For more details, contact: Northern Virginia Community College, Woodbridge Campus, 15200 Smoketown Rd., Woodbridge, VA 22191. Telephone: (703) 670-2191.
- 7-11. **Law Enforcement Photography Workshop.** Presented by Eastman Kodak Company. To be held in Rochester, NY. For more details, contact: Law Enforcement and Security Markets, Eastman Kodak Company, Dept. 0617-A, 343 State Street, Rochester, NY 14650.
- 7-11. **Retail Security Seminar.** Presented by the National Crime Prevention Institute. Tuition: \$200. For further details, see: December 1-4.
- 7-11. **Executive Development Training Course.** Presented by the Florida Institute for Law Enforcement. Fee: \$125. To be held at St. Petersburg Junior College Technical Building, Room 232. For further details, see: December 1-4.
- 7-17. **Criminal Law Course.** Presented by Lake County Area Vocational Technical Center. For further details, consult: Kenneth A. Bragg, Director, 2001 Kurt Street, Eustis, Fla. 32726. Telephone: (904) 357-8222.
- 7-18. **Supervision of Police Personnel Seminar.** Presented by The Traffic Institute. Fee: \$500. For more information, see: December 1-4.
- 9-10. **Community Skills Workshop.** Presented by the Massachusetts Criminal Justice Training Council. For more information, The Massachusetts Criminal Justice Training Council, 1 Ashburton Place, Room 1310, Boston, MA 02108.
- 14-15. **Fuel Efficiency Driving Instructor Course.** Presented by The Institute of Police Traffic Management. For further information, contact: Director, Institute of Police Traffic Management, University of North Florida, 4567 St. Johns Bluff Rd. South Jacksonville, Fla. 32216. Telephone: (904) 646-2722.
- 14-16. **Stress in Law Enforcement Seminar.** Presented by The Traffic Institute. Fee: \$250. For further information, see: December 1-4.
- 14-16. **Hostage Negotiations Course.** Presented by the Florida Institute for Law

Enforcement. Fee: \$100. For further details, consult: Florida Institute for Law Enforcement, P.O. Box 13489, St. Petersburg, Fla. 33733. Telephone: 381-0681.

14-16. **Crisis Intervention Course.** Presented by The Regional Criminal Justice Training Center. For further details, contact: Jack McArthur, Director, Regional Criminal Justice Training Center, P.O. Box 4065, Modesto, CA. 95352. Telephone: 12091 526-2000.

15. **Crime Prevention Update Seminar.** Presented by the Massachusetts Criminal Justice Training Council. For more information, see: December 9-10.

16-17. **Robbery Investigation: Current Trends & Techniques Seminar.** Presented by Harper & Row Criminal Justice Media. To be held in Orlando, Fla. For further details, see: December 2-4.

23. **Planning & Decision Making Seminar.** Presented by the Massachusetts Criminal Justice Training Council. For more details, see: December 9-10.

27-31. **Operational Intelligence for Security Directors.** Presented by Richard W. Kobetz & Associates. To be held in Ft. Lauderdale, Fla. For further information, contact: Dr. Richard W. Kobetz, North Mountain Pines Training Center, Route Two, Box 342, Winchester, Va. 22601. Telephone: (703) 662-7288.

27-January 10. **Comparative Criminal Justice Systems in London and Paris.** Presented by the University of Nevada-Reno. Cost: \$1595. A deposit of \$250 will be required with registration. For further information, contact: International Travel, Continuing Education, University of Nevada-Reno, Reno, Nevada 89557. Telephone: (702) 784-4002.

## JANUARY

4-8. **Probation Supervisor, Phase II Course.** Presented by the Regional Criminal Justice Training Center. For further information, see: December 1-4.

4-8. **Police Traffic Radar Instructor Course.** Presented by The Institute of Police Traffic Management. Tuition: \$225. For more information, see: December 1-4.

4-15. **Homicide Investigation Seminar.** Presented by the National Crime Prevention Institute. Tuition: \$500. For further information, see: December 1-4.

4-29. **Principles of Police Management Seminar.** Presented by The Traffic Institute. Fee: \$775. For further details, see: December 1-4.

9-February 6. **Arrest & Firearms Course.** Presented by the Regional Criminal Justice Center. For further details, contact: Jack McArthur, Director, Regional Criminal Justice Training Center, P.O. Box 4065, Modesto, CA. 95352. Telephone: 12091 526-2000.

11-13. **Police Civil Liability And Citizen Misconduct Complaints Workshop.** Presented by Americans for Effective Law Enforcement, Inc. To be held in Orlando, Fla. For further information, contact: Americans for Effective Law Enforcement, Inc. 501 Grandview Dr. Suite 209, So San Francisco, CA 94080.

11-15. **Basic Fingerprint Classification Course.** Presented by the Florida Institute for Law Enforcement. Fee: \$75. For further details, see: December 1-4.

11-21. **Traffic Accident Investigation Course.** Presented by Lake County Area Vocational Technical Center. For further information, see: December 7-17.

12-13. **Fuel Efficiency Driving Instructor Course.** Presented by The Institute of Police Traffic Management. Fee: \$200. For more information, see: December 1-4.

18-22. **Vehicular Homicide Investigation Workshop.** Presented by The Traffic In-

stitute. Fee: \$350. For further details, see: December 1-4.

18-29. **Current Problems And Concepts in Police Administration Seminar.** Presented by the National Crime Prevention Institute. Tuition: \$500. For further details, see: December 1-4.

20-22. **Strategies for Change in Law Enforcement Seminar.** Presented by The Institute of Police Traffic Management. Fee: \$225. For further information, see: December 1-4.

21-22. **The Job of the Supervisor Seminar.** Presented by the Criminal Justice Center of John Jay College. For further information, see: December 3-4.

15-February 12. **The Command Training Program.** Presented by the New England Institute of Law Enforcement Management. Fee: \$900. For more information, contact: Charles V. Barry, Director, P.O. Box E, Babson Park, Ma. 02157. Telephone: (617) 237-1724.

27-28. **Crime Scene Seminar.** Presented by

the Criminal Justice Center of John Jay College of Criminal Justice. For further details, see: December 3-4.

## FEBRUARY

1-4. **Improving Police Performance Appraisals Seminar.** Presented by The Institute of Police Traffic Management. Fee: \$200. For further information, see: December 1-4.

1-5. **Physical & Electronic Security Seminar.** Presented by the National Crime Prevention Institute. Tuition: \$300. For more information, see: December 1-4.

1-11. **Crime Scene Procedures Course.** Presented by The Criminal Justice Center of John Jay College of Criminal Justice. For further information, see: December 3-4.

1-12. **First Line Supervision Course.** Presented by the Florida Institute for Law Enforcement. Fee: \$150. For further information, see: December 1-4.

2-4. **Technical Accident Investigation Retraining Seminar.** Presented by The Traffic Institute. Fee: \$275. For more details, see: December 1-4.

8-19. **Traffic Accident Investigation Seminar.** Presented by The Institute of Police Traffic Management. Fee: \$395. For further information, see: December 1-4.

9-11. **Fire & Arson Seminar.** Sponsored by the American Academy of Forensic Sciences. To be held in Orlando, Fla. Fee: \$135. For further information, contact: American Academy of Forensic Sciences, 225 So. Academy Blvd., Colorado Springs, CO 80910. Telephone: (303) 596-6006.

16-18. **Funding Sources for Law Enforcement Course.** Presented by the Institute of Police Traffic Management. Fee: \$225. For further information, see: December 1-4.

17-21. **Ninth National Conference on Juvenile Justice.** Sponsored cooperatively by the National Council of Juvenile and Family Court Judges & The National District Attorneys Association. To be held in New Orleans, LA. For further information, contact: Juvenile Justice Conference, National District Attorneys Association, 708 Pendleton, Alexandria, Va. 22314.

19-20. **Street Survival Seminar.** Sponsored by Calibre Press and the Brookfield Police Department. To be held in Brookfield, OH. Fee: \$35. For further information, contact: Sgt. J.C. Mitchell, Brookfield Police Department, Box 21, 6844 Strimbu Drive, Brookfield, OH 44403.

22-26. **Process for Accident Analysis Seminar.** Presented by the Traffic Institute. Fee: \$350. For further information, see: December 1-4.

22-26. **Communications Skills for the Effective Supervisor Seminar.** Presented by the New England Institute of Law Enforcement Management. Fee: \$375. For further information, see: January 25-February 12.

22-March 5. **Advanced Traffic Accident Investigation Course.** Presented by The Institute of Police Traffic Management. Fee: \$395. For further information, see: December 1-4.

25-26. **Labor Relations As It Effects the Uniformed Forces.** Presented by the Criminal Justice Center of John Jay College of Criminal Justice. For more information, see: December 3-4.

Contributions to the Upcoming Events section should be sent to Law Enforcement News, 411 West 50th Street, New York, NY 10019. Attention: Evelyn Montalvo. Allow two to three months lead time for best results.

## Police Products

Items about new or modified products are based on news releases and/or other information received from the manufacturer or distributor of the item. Nothing contained below implies the endorsement of Law Enforcement News.

**SHINE ON BRIGHTLY.** The "Dura-Lite" is a series of three different flashlight models just unveiled by the K.C. Industries Inc. The three models include the "Pathfinder," a 12" flashlight with a traditional incandescent bulb; the "Magnum," a 14" flashlight, and the "Super Magnum II," the same flashlight as the Magnum but with a long-life halogen bulb.

All three models are equipped with a specially-designed finger grip, a light in the switch button to

investigation training and those who might be called to testify as expert witnesses in fire and arson cases.

"Fire Investigation on the Witness Stand" is available for either rental or purchase from Film Communicators, 11136 Weddington Street, North Hollywood, California, 91601. They can be reached by phone, toll-free, at (800) 423-2400.

**CLEARING THE AIR.** The Breathalyzer Model 2000, just released by Smith and Wesson, is a microprocessor-controlled, infrared light absorption device that measures alcohol in breath samples.

The microprocessor programs the unit through a series of internal controls and monitors temperature, system balance, blank analysis and volume of the sample. Any excess is immediately



inform the owner when the unit is recharging and a flasher option. Also optional are the snap-on stand and yellow safety lens cover which are suited for hazardous roadside situations.

The SLA energy cells, included in the units, are rated for 200 to 300 recharge cycles. Also included with the unit are either the 117 volt wall outlet charger or the 12 volt automobile cigarette lighter charger.

For more information, contact Kenneth R. Bible, Marketing Manager, K.C. Industries Inc., Box E, Chambridge, NE 69022, or call (308) 697-4711.

**FIRE FILM.** "Fire Investigation on the Witness Stand" is a 21-minute documentary just released by Film Communicators, of North Hollywood, California.

The film shows an experienced fire investigator, Tom Jensen, and follows him as he testifies as an expert witness in an arson case. It shows how an investigator can qualify as an expert witness in such cases and how to meet defense attorney's challenges.

The film has been designed specifically for fire investigation training, fire science students, arson in-



shown by a flashing service light on a control panel.

Smith and Wesson says the model includes separate, stationary infrared sources, filters and detectors to minimize the need for exact rotational or mechanical repositioning.

Also included in the unit is a self-diagnostic system that displays problem nature and area in digital code on the operator advisory panel. Codes are keyed to corrective measures detailed in the maintenance manual.

The company says the model meets or exceeds industry standards, including criteria established by the U.S. Department of Transportation.

For information, contact Smith and Wesson, 2100 Roosevelt Ave., Springfield, MA 01101.



# LAW ENFORCEMENT NEWS

October 26, 1981

## Tough talk on criminal justice

President Reagan brought his Administration's plans for combating crime to the people who direct the troops — the IACP chiefs. The full text of his remarks starts on 7.



## Looking behind the statistics

A new system of crime classification, proven after a three-month field test in Peoria, holds the promise of giving both the police and the public a better handle on what the real crime picture is. You can get the full picture on Page 1.

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